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Attorneys for Claimant,
Gail Choi

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$3,168,400.00 IN U.S. CURRENCY,
\$489,000.00 IN U.S. CURRENCY
FROM A SAFE DEPOSIT BOX AT
WILSHIRE STATE BANK,
\$200,000.00 IN U.S. CURRENCY
FROM A SAFE DEPOSIT BOX AT
BANK OF AMERICA, \$138,401.14
IN BANK FUNDS FROM
WILSHIRE STATE BANK, 72
GOLD BARS, AND 184 ASSORTED
COINS,

Defendants.

Case No. CV 17-05766-PA (AFMx)

**CLAIMANT GAIL CHOI'S
ANSWER TO VERIFIED
COMPLAINT FOR FORFEITURE;
DEMAND FOR JURY TRIAL**

1 **TO ALL PARTIES, AND TO THEIR COUNSEL OF RECORD:**

2 Claimant Gail Choi ("Claimant") admits, denies, and alleges as follows in
3 answer to the verified complaint ("Complaint") of plaintiff United States of America:

4 **JURISDICTION AND VENUE**

5 1. Admit.

6 2. Claimant admits that this Court has original jurisdiction over civil actions
7 commenced by the United States. Claimant denies that this Court has jurisdiction over
8 this action for civil forfeiture.

9 3. Admit.

10 **PERSONS AND ENTITIES**

11 4. Admit.

12 5. Claimant admits that Defendants Assets are as described and were seized
13 by agents conducting searches at her residence in Los Angeles County, safe deposit
14 boxes at Bank of America and Wilshire State Bank as well as bank account at Wilshire
15 State Bank. Claimant lacks knowledge or information sufficient to form a belief about
16 the truth of the remaining allegations in this Paragraph of the Complaint and thus, must
17 deny.

18 6. Claimant lacks knowledge or information sufficient to form a belief about
19 the truth of all the allegations in this Paragraph of the Complaint and thus, must deny.

20 7. Admit.

21 **EVIDENCE SUPPORTING FORFEITURE**

22 8. Claimant lacks knowledge or information sufficient to form a belief about
23 the truth of all the allegations in this Paragraph of the Complaint and thus, must deny.

24 9. Claimant lacks knowledge or information sufficient to form a belief about
25 the truth of all the allegations in this Paragraph of the Complaint and thus, must deny.

26 10. Claimant lacks knowledge or information sufficient to form a belief about
27 the truth of all the allegations in this Paragraph of the Complaint and thus, must deny.
28

1 11. Claimant lacks knowledge or information sufficient to form a belief about
2 the truth of all the allegations in this Paragraph of the Complaint and thus, must deny.

3 12. Claimant lacks knowledge or information sufficient to form a belief about
4 the truth of all the allegations in this Paragraph of the Complaint and thus, must deny.

5 13. Claimant lacks knowledge or information sufficient to form a belief about
6 the truth of all the allegations in this Paragraph of the Complaint and thus, must deny.

7 14. Claimant lacks knowledge or information sufficient to form a belief about
8 the truth of all the allegations in this Paragraph of the Complaint and thus, must deny.

9 15. Claimant lacks knowledge or information sufficient to form a belief about
10 the truth of all the allegations in this Paragraph of the Complaint and thus, must deny.

11 16. Claimant lacks knowledge or information sufficient to form a belief about
12 the truth of all the allegations in this Paragraph of the Complaint and thus, must deny.

13 17. Claimant admits that she had contact with an individual regarding the
14 location and time of his delivery to her residence. Claimant lacks knowledge or
15 information sufficient to form a belief about the truth of the remaining allegations in
16 this Paragraph of the Complaint and thus, must deny.

17 18. Claimant admits that she intended to meet an individual in front of her
18 residence and encountered agents outside her residence, where she was detained.
19 Claimant lacks knowledge or information sufficient to form a belief about the truth of
20 the remaining allegations in this Paragraph of the Complaint and thus, must deny.

21 19. Claimant lacks knowledge or information sufficient to form a belief about
22 the truth of all the allegations in this Paragraph of the Complaint and thus, must deny.

23 20. Claimant lacks knowledge or information sufficient to form a belief about
24 the truth of all the allegations in this Paragraph of the Complaint and thus, must deny.

25 21. Claimant admits that agents searched her residence. Claimant lacks
26 knowledge or information sufficient to form a belief about the truth of the remaining
27 allegations in this Paragraph of the Complaint and thus, must deny.
28

1 22. Claimant lacks knowledge or information sufficient to form a belief about
2 the truth of all the allegations in this Paragraph of the Complaint and thus, must deny.

3 23. Claimant does not know what Jaregui told agents. So, Claimant lacks
4 knowledge or information sufficient to form a belief about the truth of all the
5 allegations in this Paragraph of the Complaint and thus, must deny.

6 24. Claimant does not know what Jaregui told agents. So, Claimant lacks
7 knowledge or information sufficient to form a belief about the truth of all the
8 allegations in this Paragraph of the Complaint and thus, must deny.

9 25. Claimant does not know what Jaregui told agents. So, Claimant lacks
10 knowledge or information sufficient to form a belief about the truth of all the
11 allegations in this Paragraph of the Complaint and thus, must deny.

12 26. Claimant does not recall saying that her daughter told her to meet with an
13 individual to receive money but does not deny that she might have said it. Claimant
14 denies other allegations,

15 27. Claimant denies the allegations.

16 28. Claimant admits that the arrest of the individual by agents made the nature
17 of the currency held by him appear suspicious. Claimant denies the other allegations.

18 29. Claimant admits that agents searched the residence, and found a safe in a
19 bedroom that appeared to be used for storage. Claimant further admits that agents
20 found and seized \$3,168,400 in U.S. currency, 184 assorted valuable coins, and 72
21 gold bars from that safe. Claimant lacks knowledge or information sufficient to form a
22 belief about the truth of the remaining allegations in this Paragraph of the Complaint
23 and thus, must deny.

24 30. Claimant denies the allegations.

25 31. Admit.

26 32. Claimant admits that agents seized \$489,900 in U.S. currency from a safe
27 deposit box at Wilshire State Bank, \$200,000 in U.S. currency from a safe deposit box
28 at Bank of America, and \$138,401.14 in bank funds from Wilshire State Bank.

1 Claimant lacks knowledge or information sufficient to form a belief about the truth of
 2 the remaining allegations in this Paragraph of the Complaint and thus, must deny.

3 **CLAIMS FOR RELIEF**

4 33. Deny.

5 34. Deny.

6 35. Deny.

7 **FIRST AFFIRMATIVE DEFENSE**

8 **Innocent Owner**

9 36. Claimant is an innocent owner per 18 U.S.C. § 983(d). She had no reason
 10 to know or reasonably suspect that any of the Defendant Assets were involved in or
 11 traceable to proceeds of drug trafficking, money laundering in support of drug
 12 trafficking, or involved in an unlicensed money transmission. Nor has Claimant ever
 13 consented to the illegal activity. Additionally, in instances where Claimant acquired
 14 her property interest after the alleged illegal activity, she was a bona fide purchaser for
 15 value and, again, did not know or was reasonably without cause to believe that the
 16 Defendant Asset in question was subject to forfeiture. Claimant has been wrongly
 17 profiled as being part of the Black Market Peso Exchange, simply because she is an
 18 Asian woman who had contact with a Latino man identified as sometimes working for
 19 the drug cartels.

20 **SECOND AFFIRMATIVE DEFENSE**

21 **Excessive Fine In Violation Of The Eighth Amendment**

22 37. The forfeiture of the Defendant Assets is grossly disproportional to the
 23 offense within the requirements of 18 U.S.C. § 983(g)(4), so as to avoid a violation of
 24 the Excessive Fines Clause of the Eighth Amendment of the Constitution. The
 25 Government correctly identified the \$100,000 in Jaregui's possession as being drug
 26 proceeds. Those moneys were forfeitable. To now seek, on that same basis, the
 27 forfeiture of Defendant Assets is grossly disproportional. This is especially so when
 28 the Government's allegations concern cash, not any assorted coins, or gold bars, or

1 money held in bank safe deposit boxes, or bank accounts. Claimant will show that
 2 these valuables were obtained through legitimate means: primarily an import-export
 3 business.

4 **THIRD AFFIRMATIVE DEFENSE**

5 **Unlawful Search and Seizure**

6 38. Agents lacked probable cause to search Claimant Choi's residence when
 7 they entered her premises without a warrant and without Claimant Choi's consent.
 8 Agents later engaged in an unlawful seizure of the Defendant Assets from Choi's
 9 residence in that they lacked probable cause to seize the Defendant Assets found in the
 10 safe. The alert by the dog, in and of itself, is inadequate to establish probable cause for
 11 the seizure of all items from the safe.

12 39. Additionally, agents lacked probable cause to seize the bank statements
 13 and safe deposit box keys and the Defendant Assets located in bank safe deposit boxes
 14 and in a bank account. Those Defendant Assets were seized merely because of
 15 ownership or possession by Claimant, not because probable cause exists for their
 16 involvement in any criminal activity.

17 **FOURTH AFFIRMATIVE DEFENSE**

18 **Lack Of Subject Matter Jurisdiction**

19 40. The Court lacks subject matter jurisdiction over this matter for civil
 20 forfeiture, under 28 U.S.C. § 1355.

21 **FIFTH AFFIRMATIVE DEFENSE**

22 **Lack Of *In Rem*/Personal Jurisdiction**

23 41. The Court lacks *in rem*/personal jurisdiction over Defendant Assets. .

24 **SIXTH AFFIRMATIVE DEFENSE**

25 **Unlawful Detention Of Claimant**

26 42. After Jaregui had been detained, agents unlawfully detained and
 27 questioned Claimant .
 28

SEVENTH AFFIRMATIVE DEFENSE

Violation Of Civil Rights Of Claimant

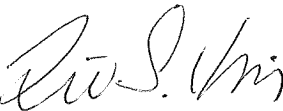
43. Claimant has been wrongly profiled as being part of the Black Market Peso Exchange, simply because she is an Asian woman who allegedly had contact with a Latino man identified as sometimes working for the drug cartels. When combined with her unlawful detention, search, and seizure by agents, Claimant's civil rights have been doubly violated now that the Government seeks to forfeit her assets.

WHEREFORE, Claimant prays for relief as follows:

1. That Plaintiff takes nothing and be afforded no relief in this action;
2. That Defendant Assets be transferred to Claimant;
3. For costs and attorneys' fees incurred herein; and
4. For other such relief as the court deems just.

DATED: 12-20-17

LIMNEXUS, LLP

BY: 

Pio S. Kim, Esq.
Alexander Su, Esq.
Attorneys for Claimant

DEMAND FOR JURY TRIAL

Claimant hereby demands trial by jury in this action.

DATED: 12-20-17

LIMNEXUS LLP

BY:



Pio S. Kim, Esq.
Alexander Su, Esq.
Attorneys for Claimant